



#15/Letter ~~JP~~
8/2/00
C. McKinney
CEDAR 038135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the application of:

RAMEZ E. SHEHADA, ET AL.

Serial No.: 08/889,017

Filed: July 7, 1997

For: METHOD AND DEVICES FOR LASER
INDUCED FLUORESCENCE
ATTENUATION SPECTROSCOPY

) Examiner: A. Israel
) Group Art Unit: 2878
)

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James A. Smith 6/26/00
Name Date

STATEMENT COMMENTING ON REASONS FOR ALLOWANCE
UNDER 37 C.F.R. 1.104(e)

Box: ISSUE FEE
Assistant Commissioner of Patents
Washington, D.C. 20231

Pursuant to C.F.R. Section 1.104(e) and the Notice of Allowability of March 24, 2000 which indicated a preference for filing any statements commenting on the Examiner's reasons for allowance with the payment of Issue Fee due June 26, 2000, Applicants hereinbelow comment on the Examiner's reasons for allowance of March 24, 2000.

Applicants wish to reemphasize the points raised in the telephonic interview held with the Examiner on March 14, 2000. Applicants' invention processes modulated fluorescence monitored at two different distances from the fluorescing

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volume. Moreover, Applicants' invention compares such monitored modulated fluorescence to each other to obtain modulation characteristics, as expressly provided for in selected claims. As discussed in detailed with the Examiner, none of the cited documents disclosed or taught (1) monitoring the modulated fluorescence at two different distances from the fluorescing volume; or (2) the comparison step of Applicants' invention. As such, Zuckerman and Sevic-Muraca were readily dismissed as anticipating or suggesting the claimed invention. As for Alfano et al, the participants discussed in detail and at length with the Examiner that Alfano et al. merely detect fluorescence from a single location and separate the signal received into two wavelength components which are then processed and compared to respective "standards" to determine whether the cell is benign or malignant. There was no mention whatsoever by Alfano et al. of detecting fluorescence at different distances or comparing the readings to each other in order to obtain a modulation characteristic. Therefore, Alfano et al. could not have taught nor suggested to one of ordinary skill in the art to monitor modulated fluorescence at two different distances and compare the readings to each other to obtain a modulation characteristic.

A more detailed discussion of the cited documents may be found in



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Applicants' prior communications with the Office.

Respectfully submitted,
PRETTY, SCHROEDER & POPLAWSKI

Anne Wang, Reg. No. 36,045

Dated: June 26, 2000

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Docket No. CEDAR 038135
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